

**Notice of Allowability**

Application No.

09/314,593

Examiner

Kenneth N. Vanderpuye

Applicant(s)

TONOGAI, DALE C.

Art Unit

2661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 1/18/05.
2. ☒ The allowed claim(s) is/are 1-3,6, 10-14, 17-20, 23-27, 30, 44, 52-53, 67-68, 70-73; Renumbered as 1-28.
3. ☒ The drawings filed on 01 May 0902 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Omkar Suryadevara on 5/6/05.

Claims 4-5, 16, 42-43, 51, 66, 69 have been canceled.

Claim 1 has been amended as follows:

In claim 1 line 8, the period(.) after the word "time" has been deleted and replaced with a semicolon(;) the following has been added after the semicolon--- and

wherein the predetermined event includes an increase beyond a predetermined threshold of processing requirements in a device that transmits or receives the first packet and the second packet. ---

Claim 14 has been amended as follows:

In claim 14 line 11, the words "first number." has been changed to – first number; -- then the following has been added after the words "first number;" in line 11

--- maintaining a jitter buffer within a range defined by a maximum size and a minimum size by: adding two copies of a snippet if a current size of the jitter buffer is smaller than a minimum size;

dropping a snippet if the current size of the buffer is larger than a maximum size; and

adding the snippet to the jitter buffer if the current size of the jitter buffer is between maximum size and minimum size.---

Claim 17 has been amended as follows:

In claim 17 line 11, the period(.) after the word "time" has been deleted and replaced with a semicolon(;) and the following has been added after the semicolon ---- and

wherein the predetermined event includes an increase beyond a predetermined threshold of processing requirements in a device that transmits or receives the first packet and the second packet. ---

Claim 52 has been amended as follows:

In claim 52 line 1, the words "The method of claim 51 further comprising" has been deleted, and replaced with the following:

--- A method for transmitting streaming information in a packetized format, the method comprising:

forming a first packet containing a first number of snippets; and  
in response to an increase in processing requirements, forming a second packet containing snippets of a second number that is larger than the first number; and

wherein a destination device that receives the packets holds the snippets temporarily in a jitter buffer before playing information contained in the snippets; and

the destination device uses the jitter buffer to average out variations in inter-arrival duration so that the snippets are played out at a uniform rate;

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Claim 53 has been amended as follows:

In claim 53 line 1, the words "The method of claim 51 further comprising" has been deleted, and replaced with the following:

--- A method for transmitting streaming information in a packetized format, the method comprising:

forming a first packet containing a first number of snippets; and

in response to an increase in processing requirements, forming a second packet containing snippets of a second number that is larger than the first number;

wherein a destination device that receives the packets holds the snippets temporarily in a jitter buffer before playing information contained in the snippets; and

the destination device uses the jitter buffer to average out variations in inter-arrival duration so that the snippets are played out at a uniform rate;

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Claim 67 has been amended as follows:

In claim 67 line 1, the words "The device of claim 66 further comprising:" has been deleted and replaced with the following --- A device including:  
a memory;

an information controller coupled to the memory for storing  
information snippets in the memory;

a packet controller coupled to the memory for transmitting a plurality  
of packets stored in the memory; and

means for forming a first packet containing a first number of snippets  
and for forming a second packet containing snippets of a second number  
that is larger than the first number in response to an increase in processing  
requirements; and

wherein:

the memory comprises a jitter buffer;

and the device further comprises reception means for receiving  
packets from a network; and

wherein the reception means uses the jitter buffer to average out variations in inter- arrival duration of the packets being received so that the snippets of the received packets are played out at a uniform rate; ---

Claim 68 is amended as follows:

In claim 68 line 1, the words "The device of claim 66 further comprising:" has been deleted and replaced with the following --- A device including:

a memory;

an information controller coupled to the memory for storing information snippets in the memory;

a packet controller coupled to the memory for transmitting a plurality of packets stored in the memory; and

means for forming a first packet containing a first number of snippets and for forming a second packet containing snippets of a second number that is larger than the first number in response to an increase in processing requirements; and

wherein:

the memory comprises a jitter buffer; and

the device further comprises reception means for receiving packets from a network; and

wherein the reception means uses the jitter buffer to average out variations in inter- arrival duration of the packets being received so that the snippets of the received packets are played out at a uniform rate; ---

Claim 70 has been amended as follows:

In claim 70 line 1, the words "claim 69" has been changed to ---claim 72 or 73----

Claim 71 has been amended as follows:

In claim 71 line 1, the words "claim 69" has been changed to ---claim 72 or 73----

Claim 72 has been amended as follows:

In claim 72 line 1, the words "The device of claim 69 wherein" have been deleted, and the following inserted in its place,

--- A device comprising:



first means for forming a first packet containing information to be played out over a first length of time in real time; and

second means, responsive to a predetermined event, for forming a second packet containing information to be played out over a second length of time in real time, the second length of time being longer than the first length of time; and

a third means for switchably connecting the first means and the second means to a common input source; and wherein: -----

Claim 73 has been amended as follows:

In claim 73 line 1, the words "The device of claim 69 wherein" have been deleted, and the following inserted in its place,

--- A device comprising:

first means for forming a first packet containing information to be played out over a first length of time in real time; and

second means, responsive to a predetermined event, for forming a second packet containing information to be played out over a second length of time in real time, the second length of time being longer than the first length of time; and

a third means for switchably connecting the first means and the second means to a common input source; and wherein: -----

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N. Vanderpuye whose telephone number is 571-272-3078. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**PRIMARY EXAMINER**

KNV  
6/8/05